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5 Attorneys for Plaintiff GLOBAL TECHNICAL SEARCH, INC.
6 dba GLOBAL SEARCH
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
10

11 GLOBAL TECHNICAL SEARCH, INC. dba
12 GLOBAL SEARCH, a California Corporation,

13 Plaintiff,

14 v.

15 LELAND JACOBSEN, an individual; and
DOES 1 through 25, inclusive,

16 Defendants.
17

Case No. 3:08-CV-00424-BEN-BLM

**PLAINTIFF GLOBAL TECHNICAL
SEARCH, INC. dba GLOBAL
SEARCH'S APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Judge: Hon. Roger T. Benitez
Dept.: Courtroom 3
Date: March 21, 2008
Time: 9:30 a.m.

18 Plaintiff GLOBAL TECHNICAL SEARCH, INC. dba GLOBAL SEARCH ("GLOBAL
19 SEARCH"), moves this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a
20 Temporary Restraining Order and Preliminary Injunction against Defendant LELAND
21 JACOBSEN. In support of its Motion, GLOBAL SEARCH states:

22 1. GLOBAL SEARCH has contemporaneously filed with this Application a
23 Complaint For Injunctive and Other Relief ("Complaint") against JACOBSEN which is
24 incorporated by reference and made a parte hereof.

25 2. As stated in GLOBAL SEARCH's Complaint, GLOBAL SEARCH recently
26 discovered that JACOBSEN, a former Independent National Associate with GLOBAL SEARCH
27 misappropriated GLOBAL SEARCH's confidential and proprietary information just before he
28 failed to return to work on January 3, 2008. Moreover, GLOBAL SEARCH recently learned that

1 JACOBSEN is now using and threatens to continue using GLOBAL SEARCH's confidential and
2 proprietary information to contact, solicit and entice GLOBAL SEARCH's clients to use
3 JACOBSEN's services rather than GLOBAL SEARCH's services.

4 3. JACOBSEN will continue to do immediate and irreparable harm to GLOBAL
5 SEARCH unless this Court enjoins him for violating the terms of his employment agreement with
6 GLOBAL SEARCH, which required him to return all confidential and proprietary information
7 upon termination of his employment, and applicable law.

8 4. GLOBAL SEARCH has no adequate remedy at law.

9 5. In support of this Application, GLOBAL SEARCH submits herewith a
10 Memorandum of Points and Authorities, Declaration of Michael Burnett, Declaration of Linda
11 Rutherford, and Declaration of Mark McKinley.

12 WHEREFORE, GLOBAL SEARCH respectfully requests the entry of a Temporary
13 Restraining Order and Preliminary Injunction restraining Defendant JACOBSEN as follows:

14 1. That Defendant JACOBSEN, his officers, agents, servants, employees, and
15 attorneys and all parties in active concert or participation with him be temporarily, preliminarily
16 and permanently enjoined from using or disclosing any confidential or proprietary information that
17 Defendant JACOBSEN obtained from GLOBAL SEARCH;

18 2. That Defendant JACOBSEN, his officers, agents, servants, employees, and
19 attorneys and all parties in active concert or participation with him be enjoined and ordered to
20 return to GLOBAL SEARCH all originals and all copies of files, data, and information removed
21 from GLOBAL SEARCH, including, but not limited to, the confidential and proprietary
22 information and database that Defendant JACOBSEN downloaded;

23 3. That because the information downloaded from GLOBAL SEARCH's computers
24 by Defendant JACOBSEN was in an electronic format that can be quickly and easily disseminated
25 to a large number of entities, perfectly copied, uploaded onto other computers, and forwarded to
26 other individuals who can further utilize and disseminate the information, Defendant JACOBSEN
27 be ordered immediately to preserve all discs and electronic storage devices in his possession,
28 custody and control to which he had access, that Defendant JACOBSEN must turn over to a

1 third-party investigator representative of GLOBAL SEARCH all electronic storage media in his
2 possession, custody or control, including but not limited to, discs, and hard drives accessible to
3 Defendant JACOBSEN on which GLOBAL SEARCH's information may reside and that
4 GLOBAL SEARCH be permitted to image and analyze said media and devices to recover
5 GLOBAL SEARCH's confidential and proprietary information;

6 4. That Defendant JACOBSEN be enjoined and ordered to provide a sworn
7 statement and accounting of the whereabouts of all files, data, and information removed from
8 GLOBAL SEARCH's computers; and

9 5. That Defendant JACOBSEN, his officers, agents, servants, employees, and
10 attorneys and all parties in active concert or participation with him be temporarily, preliminarily
11 and permanently enjoined from engaging in or aiding and abetting conduct violative of California
12 *Business and Professions Code* section 17200.

13 Dated: March 18, 2008

NOON & ASSOCIATES, APC

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15 By: 

16 Timothy S. Noon
17 Kathy J. Steinman
18 Attorneys for Plaintiff GLOBAL
19 TECHNICAL SEARCH, INC. dba
20 GLOBAL SEARCH
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